APEA

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Docket No.: K-0133 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS AND INTERFERENCE

In re Application of	Confirmation No.: 6047
Byung Keun LIM and Young Sik YOUN	Group Art Unit: 2681
Serial No.: 09/475,186	Examiner: Tanmay S. LELE
Filed: 12/30/1999	Customer No.: 34610

For: SYSTEM AND METHOD FOR CONTROLLING PACKET DATA SERVICE IN MOBILE COMMUNICATION NETWORK

APPELLANT'S REPLY TO EXAMINER'S ANSWER

U.S. Patent and Trademark Office
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Sir:

This Reply is submitted in response to the Examiner's Answer of October 1, 2004 in the above-captioned appeal.

In addition to explicitly maintaining earlier arguments made during prosecution of the above-identified application, Applicants respectfully provide the following additional remarks.

Response to Appellant's arguments, Issue 1

With respect to the Examiner's Answer, specifically, page 11, lines 16-20, which involves the Examiner's discussion of the Wallentin patent, Applicants respectfully submit the Examiner is incorrect in this categorization of the Wallentin patent's disclosure.

Applicants respectfully submit that the paging message and paging response message described in column 12, lines 35-53 of Wallentin are to make the connection between a calling party from the core network and the mobile station MS. See column 12, lines 50-53 and column 11, lines 4-7 of Wallentin. Thus, the cited portion does not teach or suggest wherein when said active terminal moves from a first one of said radio network controllers to a second one of said radio network controllers in a suspended or dormant state, medium access control layer state information and radio resource control information of said active terminal are maintained between said first and second radio network controllers under control of said location management unit and combinations thereof as recited in claim 1. In contrast, see for example, column 2 lines 1-11, column 4, lines 48-50 and column 11, lines 4-7 for location registration of Wallentin.

Applicants respectfully submit that column 1, lines 29-34 of Wallentin does not discuss an idle state of a mobile station. In addition, column 3, line 62 –column 4, line 27 appear to discuss problems that occur after the location registration is performed, where for a multi-cell area the core network does not know to which node a page should be sent. Accordingly, embodiments of Wallentin are directed toward an Inter-RNC transport link 32 to connect multiple RNCs. See column 6 lines 55-67 of Wallentin.

After connection between the calling party and the MS in response to the paging response, moveover procedures can subsequently be performed in an active MAC state. See column 13, line 54-column 15, line 15 of Wallentin.

With respect to the Examiner's Answer, specifically, page 13, lines 15-22, which involves the Examiner's discussion of the Wallentin patent, Applicants respectfully submit the Examiner is incorrect in this categorization of the Wallentin patent's disclosure.

Applicants respectfully submit that Wallentin teaches "maintaining communications" for location updating, but not forward communications whereby, wherein when said active terminal moves from a first one of said radio network controllers to a second one of said radio network controllers in a suspended or dormant state, medium access control layer state information and radio resource control information of said active terminal are maintained between said first and second radio network controllers under control of said location management unit and combinations thereof as recited in claim 1. Applicants respectfully submit that paging initiation and an inter-RNC communication link 32 were described above. See column 12, lines 50-53 of Wallentin.

With respect to the Examiner's Answer, specifically, page 14, line 5, Applicants respectfully submit that claim 1 recites wherein "when said active terminal moves"... in a dormant or suspended state". Applicants respectfully submit that claim 8 stands or falls with claim 1 and recites moving a packet data service active terminal from an old one of said radio network controllers to a new one of said radio network controllers ... in one of a ... suspended ...and a dormant MAC layer state.

With respect to the Examiner's Answer, specifically, page 16, line 9, Applicants respectfully submit that the confusion is in the argument of the Examiner's Answer. The

Examiner's Answer continues to apply column 28, lines 5-8 and column 31, lines 25-65 against claim 1 and apply column 28, line 5-column 31, line 65 against claim 8. See page 4, lines 9-10 and page 7, lines 3-4 of the Examiner's Answer.

Applicants agree with the confusion when column 28, line 5-column 31, line 65 of Wright is cited for teaching handoff operation in a suspended state or changing therefrom to a dormant state. Applicants respectfully note that column 28, line 5-column 31, line 65 of Wright appears to disclose a state machine for controlling access to a reverse channel by a population of subscriber devices to reduce reverse channel contention, but does not teach features of handoff operation in a suspended state or changing therefrom to a dormant state. However, the Examiner's Answer inconsistently still cites column 28, line 5-column 31, line 65 of Wright for teaching features of handoff (when discussing claim 10). See page 8, lines 8-15 of the Examiners Answer. Applicants agree Wallentin discusses handover (see below) and Page 16 lines 10-12 of the Examiner's Answer. Applicants clarify "handover" in Wallentin below.

Response to Appellant's arguments, Issue 2

With respect to the Examiner's Answer, specifically, page 17, lines 2-16, which involves the Examiner's discussion of the Wallentin patent, Applicants respectfully submit the Examiner is incorrect in this categorization of the Wallentin patent's disclosure.

In particular, Applicants respectfully submit that the "handover" does not teach or

suggest the recited features and "moveover" in Wallentin teaches away from the interpretation of Wallentin set forth by the Examiner's Answer and away from the claimed invention. Wallentin discloses a local registration update. After the paging initiation 5-1 and the 6-5 paging response, the mobile station and the core network caller are connected and arguably can continue an active state MAC packet data service active terminal. See page 1, lines 14-19 of the present specification. Thus, "moveover" in Wallentin is described in detail, (see three examples in column 13, line 49 – column 15, line 34, for mobile station processing while connected to the caller in the core network. Applicants respectfully submit that such features do not teach or suggest allowing a packet data service active terminal to move from a current one of said radio network controllers to a target one of said radio network controllers ... allowing said active terminal to determine whether to perform a handoff at a suspended state, and allowing said active terminal to request its change to one of a dormant state and active state when the determination is ... to perform the handoff operation in said suspended state and combinations thereof as recited in claim 10. Applicants respectfully submit that cursory mention of other SRNC moveovers prompted by the core network do not teach or suggest specific features and combinations thereof as recited in claim 10

Response to Appellant's arguments, Issue 3

With respect to the Examiner's Answer, specifically, page 19, line 22, which involves

the Examiner's discussion of explicit claim language, Applicants respectfully submit the Examiner's Answer is incorrect in the treatment of the claimed language. Applicants respectfully submit claim 11 depends from claim 10 and therefore incorporates the features recited in claim 10 and its own additional features. Accordingly, claim 11 explicitly recites features including a) allowing a packet data service active terminal to move under the condition that only a point-to-point protocol is maintained between said active terminal and said packet data node. Applicants respectfully submit that the Applicants define such conditions as a suspended state of a packet data service active terminal. See page 1, line 14 – page 2, line 17 and in particular, page 2, lines 7-12 of the present specification. Applicants respectfully submit that such a definition(s) is accepted by the earlier Office Actions and continue to be accepted by the Examiner's Answer. Further, claim 11 recites said active terminal is changed to said dormant state. Thus, Applicants respectfully submit the Examiner's Answer erred in not considering the recited features when considering claim 11.

Response to Appellant's arguments, Issue 4

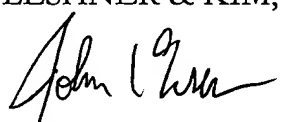
With respect to the Examiner's Answer, Applicants apologize for the incorrect and confusing reference to claim 11. However, Applicants respectfully submit that claim 16 recites a handoff is initiated from the first radio network controller to the second radio network controller ... of said active terminal...in the suspended or the dormant state, wherein ... medium access control layer state information and radio resource control

information of said active terminal are maintained between said first and second radio network controllers and combinations thereof. Applicants respectfully submit that column 4, lines 45-53 and column 10, lines 40-45 in Wallentin merely disclose location registration updating in networks and column 6 lines 55-63 of Wallentin discloses Inter –RNC "soft handovers", and do not teach or suggest the features and combinations thereof recited in claim 16. See page 10, line 4-9 of the Examiner's Answer.

Conclusion

The Honorable Board is respectfully requested to reverse the rejections set forth in the Final Rejection, and to pass this application to issuance.

Respectfully submitted,
FLESHNER & KIM, LLP



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